

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

KATHERINE CHAN LO,

Petitioner,

v.

JEFFERSON BEAUREGARD SESSIONS III
et al.,

Respondents.

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Civ. No. 17-7157 (KM)

MEMORANDUM AND ORDER

Petitioner, Katherine Chan Lo, is an immigration detainee currently held at the Bergen County Jail, in Hackensack, New Jersey. Acting pro se, she filed a petition for writ of habeas corpus, under 28 U.S.C. § 2241, with the United States District Court for the Southern District of New York on September 5, 2017. On September 15, 2017, the Southern District of New York transferred the proceeding to this Court, under 28 U.S.C. § 1631. (ECF No. 10.)

The sole proper respondent in this case is Steven Ahrendt, the warden of the Bergen County Jail. *See Rumsfeld v. Padilla*, 542 U.S. 426, 434–35 (2004). Accordingly, the petition will be dismissed with prejudice as to respondents Jefferson Beauregard Sessions III and Barbara Felska.

Petitioner challenges the duration of her present immigration detention. Under Rule 4 of the Rules Governing § 2254 Cases (applied in this proceeding under Rule 1(b) of the Rules Governing § 2254 Cases), this Court has examined the petition and determined that dismissal without receiving an answer and the underlying record is not warranted. In addition to any other arguments concerning petitioner's claims, respondent's answer shall specifically address what

impact, if any, *Chavez-Alvarez v. Warden York County Prison*, 783 F.3d 469 (3d Cir. 2015), and *Zadvydas v. Davis*, 533 U.S. 678 (2001), have on the petition.

Accordingly, IT IS, this 28th day of September 2017,

ORDERED that the petition is dismissed with prejudice as to respondents Jefferson Beauregard Sessions III and Barbara Felska; and it is further

ORDERED that the Clerk shall serve a copy of the petition (ECF No. 1) and this Order upon respondent Ahrendt by regular mail, with all costs of service advanced by the United States; and it is further

ORDERED that the Clerk shall forward a copy of the petition (ECF No. 1) and this Order to the Chief, Civil Division, United States Attorney's Office, at the following email address: USANJ-HabeasCases@usdoj.gov; and it is further

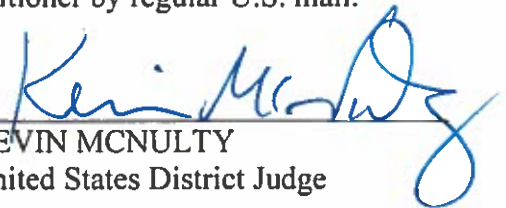
ORDERED that, within thirty (30) days of the entry of this Order, respondent shall file and serve an answer that (1) responds to the allegations and grounds in the petition, (2) includes all affirmative defenses respondent seeks to invoke, and (3) addresses specifically, in addition to any other arguments, what impact, if any, *Chavez-Alvarez v. Warden York County Prison*, 783 F.3d 469 (3d Cir. 2015), and *Zadvydas v. Davis*, 533 U.S. 678 (2001), have on the petition; and it is further

ORDERED that respondent shall file and serve with the answer certified copies of all documents necessary to resolve petitioner's claim(s) and affirmative defenses; and it is further

ORDERED that within thirty (30) days of receipt of the answer, petitioner may file a reply to the answer; and it is further

ORDERED that within seven (7) days of petitioner's release, by parole or otherwise, as well as any change in the basis for petitioner's immigration detention, respondent shall electronically file a written notice of the same with the Clerk; and it is further

ORDERED that the Clerk shall serve this Order on petitioner by regular U.S. mail.



KEVIN MCNULTY
United States District Judge